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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

**OS SHIPPING CO. LTD.,**

Case No. 3:11-CV-377-BR

Plaintiff,

v.

**GLOBAL MARITIME TRUST(S) PRIVATE  
LIMITED, and JS LINE SA,**

Defendants.

**MOTION OF HYUNDAI MOTOR  
AMERICA FOR ORDER  
AUTHORIZING DISCHARGE OF  
CARGO FROM ATTACHED VESSEL  
AND MOVEMENT OF VESSEL AFTER  
DISCHARGE TO ANOTHER  
LOCATION**

**Oral Argument: March 30, 2011, 11:00am**

Hyundai Motor America, acting through its undersigned counsel, moves the Court pursuant to Local Rule 1035-2 of this Court for an order authorizing discharge of the cargo of 1,649 motor vehicles aboard the M/V GMT VENUS, which vessel is the subject of the Writ of Attachment issued by the Court on March 28, 2011 and now lying afloat at the Hyundai Dock, Terminal 6, Berth 601, on the Columbia River in the City of Portland.

Hyundai Motor America further moves the Court pursuant to LR 1035-2 for an order authorizing movement of the vessel after discharge from the present location at Terminal 6, Berth 601, to another location to be designated by the defendants who own or operate the vessel, in order to make way for other vessels to dock at Terminal 6, Berth 601, for the purpose of discharging vehicle cargos.

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In support of this Motion, there is submitted herewith the Declaration of Stephan Kresge, Port Captain for Wilhelmsen Ships Service, agent for Glovis Co., Ltd. which operates ships carrying Hyundai Motor America vehicles, showing that:

1. Hyundai Motor America is the owner of 1,649 motor vehicles aboard the M/V GMT VENUS, which was scheduled to discharge those vehicles until discharge was made impossible by the Writ of Attachment issued March 28, 2011 by this Court.

2. The Writ of Attachment attaches the vessel M/V GMT VENUS, but not the cargo aboard the vessel.

3. LR 1035-2 of this Court provides “[A]fter the arrest or attachment of a vessel, no cargo handling, repairs, or movement of the vessel, may be made without a court order and notice to the marshal. The required notice will be given to the marshal prior to the application for such an order.”

4. The discharge of 1,649 motor vehicles from the vessel will require about four to five hours. The discharge is accomplished by longshoremen, who must be ordered no later than 2:00 p.m. for service on the following day.

5. Once discharge of this vessel is completed, access is needed to the Hyundai Dock for discharge of other incoming vessels carrying motor vehicle cargoes owned by Hyundai Motor America.

6. The vessel can be moved to another location as soon as discharge is completed. That location should be determined by the defendants as its owners and/or operators.

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Hyundai Motor America is prepared to accept an agreement to hold harmless and indemnify the United States of America, the United States Marshall, their agents, servants, employees and all others for whom they are responsible, from any and all liability or responsibility for any claims arising out of discharge of cargo or movement of the vessel from its present location.

Notice of this Motion has been given to the U.S. Marshall as required by LR 1035-2.

Dated this 29<sup>th</sup> day of March, 2011.

LINDSAY, HART, NEIL & WEIGLER, LLP

By: 

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Attorneys for Hyundai Motor America, Cargo Owner

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **MOTION OF HYUNDAI MOTOR AMERICA FOR ORDER AUTHORIZING DISCHARGE OF CARGO FROM ATTACHED VESSEL AND MOVEMENT OF VESSEL AFTER DISCHARGE TO ANOTHER LOCATION** on the following counsel for a party or parties:

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By CM/ECF / emailing a true and correct copy hereof to said counsel on the date below.

DATED this 29<sup>th</sup> day of March, 2011.

By: \_\_\_\_\_

  
Carl R. Neil, OSB No. 580653

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Of Attorneys for Hyundai Motor America, Cargo Owner

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